

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION
3:20-cv-00644-MR**

TREVON HOPKINS,)	
)	
Plaintiff,)	
)	
vs.)	<u>ORDER</u>
)	
FNU MCALL,)	
)	
Defendant.)	
_____)	

THIS MATTER is before the Court on its own motion on the return of mail sent by the Clerk to Plaintiff as undeliverable. [Doc. 8].

Pro se Plaintiff Trevon Hopkins ("Plaintiff") filed this action on November 17, 2020, pursuant to 42 U.S.C. § 1983, against Defendant FNU Mcall for an alleged assault by Mcall on Plaintiff on September 11, 2019 while Plaintiff was incarcerated at the Mecklenburg County Jail. [Doc. 1].

The docket in this matter reflects that Plaintiff's current address is the Mecklenburg County Jail, P.O. Box 34429, Charlotte, North Carolina, 28234-4429. Recently, the Clerk of Court mailed Plaintiff a copy of the Clerk's Order Waiving Initial Partial Filing Fee and Directing the Correctional Facility to Transmit Partial Payments at Plaintiff's address listed in the docket in this matter. [12/11/2020 Docket Entry]. On January 4, 2021, this

correspondence was returned as undeliverable. [Doc. 8]. The return stamps on the undelivered mail read: "RETURN TO SENDER – Not in Mecklenburg County Jail System" and also "RETURN TO SENDER released." [Id. at 1]. Plaintiff has not notified the Court of any change in his address.

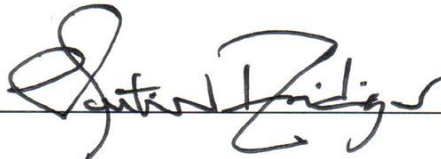
Plaintiffs have a general duty to prosecute their cases. In this regard, a pro se plaintiff must keep the Court apprised of his current address. See Carey v. King, 856 F.2d 1439, 1441 (9th Cir. 1988) ("A party, not the district court, bears the burden of keeping the court apprised of any changes in his mailing address."). Where a pro se plaintiff has failed to notify the Court of his change of address, the action is subject to dismissal without prejudice for failure to prosecute. Accord Walker v. Moak, Civil Action No. 07-7738, 2008 WL 4722386 (E.D. La. Oct. 22, 2008) (dismissing without prejudice a § 1983 action for failure to prosecute under Rule 41(b) of the Federal Rules of Civil Procedure where the plaintiff did not notify the court of his new address upon his release from jail). Before dismissing this action for failure to prosecute, the Court will give Plaintiff fourteen (14) days in which to notify the Court of his updated address.

ORDER

IT IS, THEREFORE, ORDERED that Plaintiff has fourteen (14) days from this Order to notify the Court of his new address. Plaintiff's failure to timely notify the Court will result in dismissal of this action without prejudice and without further notice to Plaintiff.

IT IS SO ORDERED.

Signed: January 14, 2021



Martin Reidinger
Chief United States District Judge

